

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. On January 19, 2004, the Department notified the petitioner that her and her husband's VHAP would close as of February 1, 2004 if they did not pay the required premium.

3. As of the date of the hearing in this matter, February 10, 2004, the petitioner had not paid anything toward the premiums due January and February 1, 2004 respectively.

ORDER

The decision of PATH is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain the public health care assistance programs, PATH adopted regulations establishing monthly "premiums" to be paid prospectively by VHAP recipients beginning on January 1, 2004. VHAP 4001.91, Bulletin No. 03-17F. The regulations were adopted by an expedited rulemaking process authorized by the legislature at section 152a of the above cited Act. An individual with a household income of the petitioner is now required to pay \$65.00 per month for VHAP coverage. VHAP 4001.91.

Although the premium increase is drastic, PATH appears to have acted correctly within the directive of the legislature and pursuant to its own regulation in making the change. Unfortunately, the regulations require that "coverage shall be terminated if an individual does not pay the required program fee by the billing deadline". VHAP 4001.91. At the hearing

the petitioner was advised that she could reapply and be reinstated if she paid the program fee.¹ However, inasmuch as the Department's decision was in accord with the pertinent regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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¹ Inasmuch as the petitioner's benefits have continued during the pendency of this appeal, if she promptly reapplies and pays her premiums, there may be no loss of coverage.